

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

SYSCO CORPORATION

Plaintiff,

v.

AGRI STATS, INC. et al.

Defendants.

Civil No. 4:21-cv-00773

**JOINT MOTION TO STAY
PROCEEDINGS PENDING RULING
ON TRANSFER AND
CONSOLIDATION BY JPML**

Based on the pendency of a Joint Motion for Transfer of Related Actions Pursuant to 28 U.S.C. § 1407 for Consolidated Pre-Trial Proceedings (“Joint Motion”) filed with the Judicial Panel on Multidistrict Litigation (“JPML”), Sysco Corporation (“Plaintiff”) and Agri Stats, Inc.; Clemens Food Group, LLC; The Clemens Family Corporation; Hormel Foods Corporation; JBS USA Food Company; Seaboard Foods LLC; Smithfield Foods, Inc.; Triumph Foods, LLC; Tyson Foods, Inc.; Tyson Prepared Foods, Inc.; and Tyson Fresh Meats, Inc. (collectively, “Defendants” and with Plaintiff, the “Parties”) hereby jointly move for a stay of all proceedings in the above-captioned action and state as follows:

1. On March 8, 2021, Sysco Corporation filed a complaint in the Southern District of Texas; (*Sysco Corporation v. Agri Stats, Inc. et al.*, Case No. 4:21-cv-00773 (S.D. Texas)) (“Sysco Action”).

2. On February 26, 2021, Cheney Brothers, Inc. (“Cheney”) filed a complaint in the Southern District of Florida; (*Cheney Brothers, Inc. v. Agri Stats, Inc. et al.*, 9:21-cv-80424-DMM (S.D. Fla.)) (“Cheney Action”).

3. On March 10, 2021, Plaintiff and Cheney filed the Joint Motion with the JPML, arguing that the Sysco Action and the Cheney Action should be coordinated for pretrial purposes. Plaintiff and Cheney in the Joint Motion proposed that the Cheney Action be transferred to the United States District Court for the Southern District of Texas so that it can be consolidated with the Sysco Action for pretrial purposes, or, alternatively, that the Sysco Action and the Cheney Action be transferred to the United States District Court for the District of Minnesota, where they could be coordinated for pretrial proceedings with the actions currently captioned *In re Pork*

Antitrust Litigation, Case No. 0:18-cv-01776-JRT-HB) (D. Minn.) before the Honorable John R. Tunheim and U.S. Magistrate Judge Hildy Bowbeer, which includes both class-action and direct-action cases.

4. The Parties agree that a complete stay of the Sysco Action is appropriate pending the JPML's final resolution of the Joint Motion, which will determine whether this case proceeds in this Court or is transferred to the United States District Court for the District of Minnesota for pretrial purposes.

5. The Parties note that the Court in the Cheney Action sua sponte stayed all proceedings in that case pending the transfer ruling from the JPML. *See* Exhibit A.

6. The Parties agree that no party will suffer prejudice, damage, hardship, or inequity from a stay of this action at this time.

7. A stay will also conserve the Court's resources and avoid potentially unnecessary and duplicative litigation burdens on the Parties.

WHEREFORE, the Parties respectfully request that this Court stay all proceedings in this action and issue the proposed Order, attached hereto.

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Date: March 24, 2021

Respectfully submitted:

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CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of March, 2021, I caused a true and correct copy of the Joint Motion to Stay Proceedings Pending Ruling on Transfer and Consolidation by JPML to be served via the Court's CM/ECF system on all counsel of record and on attorneys for Defendants via electronic mail.

/s/ Christopher Porter
Christopher Porter